



## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-791-806]

### **Stainless Steel Plate in Coils from South Africa: Final Results of the Expedited Fourth Five-Year Sunset Review of the Countervailing Duty Order**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on stainless steel plate in coils (SSPC) from South Africa would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4793.

### **SUPPLEMENTARY INFORMATION:**

#### Background

On May 11, 1999, Commerce published in the *Federal Register* a notice of the CVD order on SSPC from South Africa.<sup>1</sup> On December 1, 2021, Commerce published the notice of initiation of the fourth sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of

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<sup>1</sup> See *Notice of Amended Final Determinations: Stainless Steel Plate in Coils from Belgium and South Africa; and Notice of Countervailing Duty Orders: Stainless Steel Plate in Coils from Belgium, Italy and South Africa*, 64 FR 25288 (May 11, 1999) (*Order*).

1930, as amended (the Act).<sup>2</sup> On December 15, 2021, Commerce received notices of intent to participate from ATI Flat Rolled Products Holdings, LLC (ATI) and Outokumpu Stainless USA LLC (Outokumpu) (collectively, the domestic interested parties) within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>3</sup> The domestic interested parties claimed interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as domestic producers of SSPC in the United States.

On January 3, 2022, Commerce received an adequate substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>4</sup> Commerce did not receive a substantive response from either the Government of South Africa or a respondent interested party to this proceeding. On January 20, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.<sup>5</sup> As a result, Commerce conducted an expedited (120-day) sunset review of the *Order*, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

#### Scope of the *Order*

The merchandise subject to the *Order* is certain stainless steel plate in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject plate products are flat-rolled products, 254 mm or over in width and 4.75 mm or more in thickness, in coils, and annealed or otherwise heat treated and pickled or otherwise descaled. The subject plate may also be further processed (*e.g.*, cold-rolled, polished, etc.) provided that it maintains the specified dimensions of

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<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 68220 (December 1, 2021).

<sup>3</sup> See ATI's Letter, "Five-Year (Sunset) Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from South Africa – Domestic Interested Party's Notice of Intent to Participate," dated December 15, 2021; *see also* Outokumpu's Letter, "Five-Year (Sunset) Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from South Africa – Outokumpu's Notice of Intent to Participate," dated December 15, 2021.

<sup>4</sup> See Domestic Interested Parties' Letter, "Five-Year (Sunset) Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from South Africa – Domestic Interested Parties' Substantive Response to Notice of Initiation," dated January 3, 2022.

<sup>5</sup> See Commerce's Letter, "Sunset Reviews Initiated On December 1, 2021," dated January 20, 2022.

plate following such processing. Excluded from the scope of the *Order* are the following: (1) plate not in coils, (2) plate that is not annealed or otherwise heat treated and pickled or otherwise descaled, (3) sheet and strip, and (4) flat bars.

The merchandise subject to the *Order* is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7219.11.00.30, 7219.11.00.60, 7219.12.00.06, 7219.12.00.21, 7219.12.00.26, 7219.12.00.51, 7219.12.00.56, 7219.12.00.66, 7219.12.00.71, 7219.12.00.81, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the *Order* is dispositive.<sup>6</sup>

#### Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization in the event of revocation of the *Order* and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is provided in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS), which is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

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<sup>6</sup> For a complete discussion of the scope, see Memorandum, "Issues and Decision Memorandum for the Final Results of the Fourth Sunset Review of the Countervailing Duty Order on Stainless Steel Plate in Coils from South Africa," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

### Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

<b>Producer/Exporter</b>	<b>Subsidy Rate (percent <i>ad valorem</i>)</b>
Columbus Stainless Steel Company (the operating division of the Columbus Joint Venture)	3.95
All Others	3.95

### Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 16, 2022.

**Lisa W. Wang,**

*Assistant Secretary*

*for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
  - 1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  - 2. Net Countervailable Subsidy Likely to Prevail
  - 3. Nature of the Subsidy
- VII. Final Results of the Sunset Review
- VIII. Recommendation

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